

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 15**

)	
)	
)	
METAL SERVICES, LLC d/b/a)	
PHOENIX SERVICES, LLC)	
)	
and)	Cases 15-CA-116456
)	15-CA-127259
UNITED STEEL, PAPER AND FORESTRY,)	
RUBBER, MANUFACTURING, ENERGY,)	
ALLIED INDUSTRIAL AND SERVICE)	
WORKERS INTERNATIONAL UNION,)	
AFL-CIO)	
)	
and)	
)	
BRANDON LESSLIE, An Individual)	15-CA-122910
)	
and)	
)	
MICHAEL EMERSON, An Individual)	15-CA-124412
)	15-CA-128288
)	
and)	
)	
CHRIS BROTHERS, An Individual)	15-CA-124883
)	
)	

**COUNSEL FOR GENERAL COUNSEL’S MOTION FOR
EXTENSION OF TIME TO FILE POST HEARING BRIEFS TO ADMINISTRATIVE LAW JUDGE**

Pursuant to Section 102.42 of the Board’s Rules and Regulations, Series 8, as amended, Counsel for General Counsel (General Counsel), Beauford D. Pines, requests that the date for the receipt of post hearing briefs to the administrative law judge in the above-captioned matter be extended from October 15, 2014 to November 3, 2014.

On September 11, 2014, Administrative Law Judge Mark Carissimi closed the eight day hearing in this matter. The date for receipt of post hearing briefs was set as October 15, 2014. No prior requests for an extension of time to file post hearing briefs have been submitted or granted.

This request for additional time to file post hearing briefs is necessitated by the involvement of General Counsel in another unfair labor practice proceeding in RPM Pizza, LLC (15-CA-113753) that involves submitting an answering brief to the employer's exceptions and supporting brief that is due on September 30, 2014. The exceptions involve complicated legal issues relating to the United States Supreme Court decisions in *New Process Steel v. NLRB*, 560 U.S. 674 (2010) and *NLRB v. Noel Canning*, 573 U.S. ____ (2014) and the Fifth Circuit Court of Appeals decision in *D.R. Horton*, 737 F.3d 344 (5th Cir. 2013). The time involved in reviewing the administrative law judge's decision, exceptions and supporting brief, and legal issues involved in RPM Pizza, LLC has impacted the time available for General Counsel to adequately review the lengthy transcript and address the numerous issues involved in this matter.

The General Counsel contacted Counsel for Respondent, W. Chris Harrison, regarding the proposed extension to November 3, 2014, and Harrison is in agreement with the requested extension of time. The General Counsel also contacted Counsel for Charging Party USW, Bruce Fickman, and Fickman has indicated Charging Party USW has no objection to the requested extension of time.

In view of the above, it is respectfully requested that the date for receipt of post hearing briefs to the administrative law judge in this matter be extended to November 3, 2014.

Date: September 25, 2014

Respectfully submitted,

/s/ Beauford D. Pines
BEAUFORD D. PINES
Counsel for General Counsel
National Labor Relations Board
Region 15
600 South Maestri Place, 7th Floor
New Orleans, LA 70130
Dial 504-589-6395
Fax 504-589-4069
bpines@nrlrb.gov

CERTIFICATE OF SERVICE

The undersigned Counsel for General Counsel certifies that the foregoing Counsel for General Counsel's Motion for Extension of Time to File Post Hearing Briefs to Administrative Law Judge has been electronically filed with the Division of Judges, Washington D.C. office, and forwarded by electronic transmission to:

W. CHRIS HARRISON, ESQ.
RUSSELL W. JACKSON, ESQ.
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, PC
6410 POPLAR AVE., STE. 300, TOWER II
MEMPHIS, TN 38119-4867
chris.harrison@ogletreedeakins.com
russell.jackson@ogletreedeakins.com

BRUCE FICKMAN, ESQ.
ASSOCIATE GENERAL COUNSEL
UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION
FIVE GATEWAY CENTER, ROOM 807
PITTSBURGH, PA 15222
bfickman@usw.org

Date: September 25, 2014

/s/ Beauford D. Pines
BEAUFORD D. PINES
Counsel for General Counsel
National Labor Relations Board
Region 15
600 South Maestri Place, 7th Floor
New Orleans, LA 70130